



Planning Commission Meeting Minutes

Tuesday, June 29, 2010

DATE: 22 December 2010

APPROVED BY:

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MINUTES OF THE LAKE COUNTY PLANNING COMMISSION

October 26, 2010

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Pesec called the meeting to order at 7:01 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Morse, Pegoraro (alt. for Troy), Schaedlich, Siegel, Smith, Welch (alt. for Aufuldish), and Mmes. Hausch and Pesec. Staff present: Messrs. Boyd, Radachy, and Ms. Truesdell. Mr. Zondag arrived at 7:20.

Mr. Boyd informed the Board that Mr. Bill Martin resigned due to increased time commitments from other work activities. Mr. Boyd welcomed Mr. James Pegoraro as his replacement and Commissioner Troy's alternate.

MINUTES

Mr. Schaedlich said that on page 9, second paragraph, "is there true cases" should be "are there true cases".

Mr. Siegel moved and Mr. Welch seconded the motion to approve the September 28, 2010 minutes.

Six voted "Aye".

Two abstained.

FINANCIAL REPORT

Mr. Boyd commented that the financial situation looks stable and he was pleased with the lot split revenue. We will receive another \$20,000.00 in Balanced Growth commitment at

the end of the year or early 2011. This is part of the \$100,000.00 grant and will be forwarded to the County general fund.

Mr. Schaedlich moved and Mr. Siegel seconded the motion to approve the September, 2010 Financial Report.

All voted "Aye".

PUBLIC COMMENT

There was no public comment.

LEGAL REPORT

There were no legal issues to report.

DIRECTOR'S REPORT

Mr. Boyd said staff is assisting Fairport Harbor with a new waterfront (Grand River) zoning district. Staff has met with various departments on amendments to the Subdivision Regulations. Additional legal and review work is needed to begin the official amendment process before it is brought back to the Planning Commission.

We are continuing to participate in the County's Federal Grants office. The Neighborhood Stabilization Program paperwork was completed and included the environmental assessment required by HUD. This program will be reassessed at the end of the year by the Commissioners.

Mr. Brotzman had a question about the ownership line of property on the Grand River. It was suggested that the property owner search the deed.

ANNOUNCEMENT

Mr. Radachy said that the 2011 Northeast Ohio Planning and Zoning Workshop will be held at the lodge at Geneva State Park on Friday, June 24, 2011.

SUBDIVISION REVIEW

Concord Township – Collins/Davis Lot Split Variance

Mr. Radachy said the owners, Collins and Davis, are requesting to divide three lots for estate planning purposes. They have the option of using the agricultural exemption on the two larger lots. Per Article III, Section 10.4, the applicant is required to receive the Health District approval for proposed lot splits where sanitary sewer is unavailable. Other information includes the following:

- The County Auditor currently taxes the property as agricultural.
- If approved, the applicant has submitted an executed Affidavit for Agricultural Use Exemption.
- Enclosed is a copy of the application for CAUV that was submitted January, 2009.

The property is located on State Route 86 by Breezewood Drive just north of Interstate 90 and is still being farmed. Staff is recommending approval of the variance because of the continued agricultural use and because all lots meet current zoning requirements for R-4.

Mr. Pegoraro moved for approval and Mr. Welch seconded the motion to approve the Collins/Davis Lot Split Variance.

All voted "Aye."

Subdivision Activity Report

Mr. Radachy said that there will be a review by the developer, surveyor, title company, and adjacent property owners of the plat for Cambden Creek Phase 2.

Improvement Plans have been accepted by the Commissioners for Mountainside Farms Phase 4 and construction can begin at any time on the connector road of Karaboo Trail back to Morley Road. They need to build the road and get the plat filed by next October. Mr. Radachy was asked if there were stop signs or flashing lights to be installed on Morley Road and he said he would check with the County Engineer.

Mr. Radachy said that the County Engineer is requesting action on the construction surety to correct issues in Kimball Estates II Phase I. The County Engineer is also requesting action on the maintenance surety in Madison Meadows Phase 1. There are issues with a small

road failure, resurveying of a lot on the old temporary cul-de-sac, and seeding of land in a creek bed.

LAND USE AND ZONING REVIEW

Perry Township – Text Amendment to Section 301.04, Addition of language for Outdoor Wood-fired Boilers.

Mr. Radachy said this is a review of a proposed text amendment to Section(s) 301.04, 401.03, 300.01, 100.7, 301.02, 406.01, and 409.06 and an addition of new Section 305.

Staff explained that outdoor wood-fired boilers are boilers that use wood instead of gas or electricity. They are located outside and they are connected to the structure that they are heating by pipes under the ground.

Staff recommended that this text not be adopted in its current format. The Zoning Commission should rewrite the text with the following suggestions:

- Define outdoor fired boiler, wood furnace and natural wood.
- Recommend that this use be a conditional use.
- Allow on lots in the ER2 (two acre lots) and ER3 (three acre lots).
- Require language that only natural wood would be burned, and nothing has been altered with paint or chemicals. This would include plywood, telephone poles or railroad ties.
- State in zoning text that building permits are required for this use.

The Land Use and Zoning Committee expressed concern about having a 37-foot smoke stack and the distance it would be from other buildings. The Building Department classifies this as a heating system and therefore would need to be inspected.

The chimney would have to be masonry, which would be expensive, so the Land Use and Zoning Committee eliminated that recommendation. The Land Use and Zoning Committee recommended the text not be accepted in its current format and be revised with all staff recommendations except the chimney height recommendation.

Mr. Radachy said they did not get a recommendation from the Fire Chief.

Mr. Schaedlich moved to accept the recommendation of the Land Use and Zoning Committee and recommended the text amendment to Section 301.04, Addition of language for Outdoor Wood-fired Boilers not be accepted in current format and be revised with all staff

recommendations except the chimney height recommendation. Ms. Hausch seconded the motion.

All voted "Aye."

Perry Township – Text Amendment to Section 401.03, Fences in the Commercial District

Mr. Radachy said that Perry Township is adding requirements for fences that face a right-of-way to be more decorative than utilitarian and have a shorter height of six feet. They are also placing restrictions on fence placement in the industrial zones.

The Land Use and Zoning Committee recommended that the text amendment be passed with the following changes:

1. Create a regulation that states that a fence may be erected 10 feet in front of a principle building or fences have to be erected behind the front setback line.
2. Prohibit electric fences, razor wire fences, fences made of chicken wire, pallets, and barbed wire in all zoning districts. Agriculture would be exempt from this rule.
3. Allow split rail fences and brick and stone walls as choices in 401.03 C.

Mr. Radachy said that split rail fences and walls of brick or stone are not listed permitted types and that fences are sometimes used as landscaping, especially split rail fences. There is no language forbidding electric fences, farm fences, chicken wire, pallet, or barbed wire. Many Ohio townships do forbid these types of fences. There is a law in the ORC that exempts agriculture from fence zoning regulations. The regulations were not clear on whether or not a fence can be in front of a building if the building is behind the required setback.

Mr. Schaedlich moved and Mr. Adams seconded the motion to accept the recommendations of the Land Use and Zoning Committee with staff's suggestions.

All voted "Aye."

Perry Township – Text Amendment to Section 300.01, Establishment of Districts and the Addition of Section 305, Lakefront Planned Mixed-Use District.

Mr. Radachy said that the next two cases were combined into one staff report. The first part of the zoning case was the addition of Lakefront Planned Mixed Use District (LPM) to Section 300.01, the list of the districts allowed for in the Perry Township Zoning Resolution. The second part of the case is a new zoning district named Lake Planned Mixed-Use District or LPM, which is new Section 305.

Mr. Radachy stated that LPM is a PUD and was different from the other two PUD districts, SFPUD and MDPUD, because it allowed for commercial uses. SFPUD and MDPUD are strictly residential districts. The density of LPM is in the middle of the other two districts. LPM density is 5 units per acre, SFPUD is 4 units per acre, and MDPUD is 6 units per acre. The LPM allows for single-family homes, attached single family (townhouses) and multi-family units and limited commercial uses. The regulations have a minimum amount of units that have to be single family and a maximum amount of units that could be multi-family.

The Land Use and Zoning Committee recommended that the text amendment be passed with the following changes:

1. Residential architectural treatments should be general to not overstep the authority provided by ORC. ORC 519.02 states the township may establish reasonable landscaping and architectural standards excluding exterior building standards. Staff recommends that the references to concrete block, brick, be eliminated.
2. Add architectural standards or reference to architectural standards in other sections in the code for office or commercial uses.
3. Most of the language provided is based on Section 304, Planned Unit Development Districts. This Section is also referencing ORC 519.021, which allows the Township to administer Planned Unit Developments. Incorporate this language into Section 304.
4. Consider a reduction in the minimum acreage and shoreline requirements needed to utilize this proposal.
5. Residential accessory buildings and structures should only be allowed for fee simple lots.
6. Child and adult day care facilities are conditional uses in SFPUD. Places of worship are not a permitted use in SFPUD or MDPUD, but are a conditional use in the residential districts. Perry

Township should remain consistent and have these uses be a conditional use in the proposed text.

7. If built out over a long-term phased cycle, individual retail, office, personal service, and restaurants should be required to go through site plan review to ensure compliance with the overall Development Plan.
8. Under Section 305.08B, allowing open space within the required project setbacks often results in unusable and irregular shaped areas that are viewed as “extensions” of backyards. Consider limiting the amount of these areas that can be used in the open space calculations.
9. The setbacks and separations are smaller than what is allowed in the SFPUD and MDPUD zones. Staff is most concerned with the 30-foot front setback on a public right-of-way. This could allow a home to be built at 30 feet from the right-of-way line on Blackmore Road or Clark Road, which are main roads. Staff suggests a 50-foot front setback along existing major roads such as Clark or Blackmore.
10. Review Section 305.08 E. While it makes sense in the overall development plan, staff has concerns with this mandate. Consider an alternative approach that addresses a coastal setback in areas that are designated as Coastal Erosion Areas and where coastal protection measures are not planned. If erosion protection strategies are in the plan, then this setback could be reduced.
11. Consider increasing the minimum open space requirements.
12. In Section 305.03, consider adding, “...or conflicts with the Comprehensive Plan”, to the last sentence.
13. Removing 305.13 B. 305.13 C requires the approval of the Fire Chief and the Sanitary Engineer for type of hydrant. This would cover 305.13 B.

The Planning Commission discussed having variable setback lines to be decided by the developers and Township depending on the type of development.

Mr. Pegoraro moved to accept the recommendation of the Land Use and Zoning Committee.

The Planning Commission discussed having standard setback lines. Mr. Zondag thought that setback lines should be determined in the text. Mr. Schaedlich thought that by not requiring certain setback lines, more creative development will occur.

Mr. Schaedlich moved to amend the recommendations on the setbacks and separations from the right-of-way, to strike-out any figure and leave it to the design agreement of the Township and the developer.

Mr. Smith seconded the motion.

Mr. Smith thought shoreline protection should stay with the coastal erosion regulations enforced by other entities.

Mr. Radachy said that LUZ recommended considering alternative approaches that address a coastal setback line in areas that are designated as Coastal Erosion areas.

Mr. Schaedlich moved to accept the recommendations of the Land Use and Zoning Committee and Staff with the change to text amendments in Section 300.01, Establishment of Districts and the addition of Section 305, Lakefront Planned Mixed-Use District with setbacks and separations based on the development plan. Ms. Hausch seconded the motion.

Eight voted "Aye."
One abstained.

Perry Township – Text Amendment to Sections 100.7, 301.02, 302.02, 406.01, and 409.06

Mr. Radachy said that the changes presented in this text amendment are housekeeping items or misspellings and wrong references. The only issue that was of concern was the fact that Perry Township did not list the section that was being amended in regards to satellite dishes.

The Land Use and Zoning Committee recommended that the text amendment add a section number for satellite dishes.

Mr. Siegel moved and Mr. Morse seconded the motion to accept the recommendation of the Land Use and Zoning Committee and recommend approval of the amendments to Sections 100.7, 301.02, 302.02, 406.01, and 409.06.

All voted "Aye."

Painesville Township – Text Amendment to Section 11.07, Requiring a Zoning Certificate

Mr. Radachy said this change would require a zoning certificate for parking lot construction or reconstruction. Considering that the zoning resolution requires parking lots to adhere to setbacks and buffers, it makes sense that a zoning permit should be required. Staff recommended approval.

Mr. Siegel moved and Mr. Schaedlich seconded the motion to accept the recommendation of the Land Use and Zoning Committee to amend Section 11.07, requiring a zoning certificate.

All voted "Aye."

Painesville Township – Text Amendment to Section 28.05(A), Signs for Commercial Districts

Mr. Radachy said that Painesville Township would like to allow political signs in the commercial districts. The way the text amendment was submitted, all signs in a residential district would not be allowed in the commercial district. Staff and the Land Use and Zoning Committee recommended only striking out the words: "Except political signs".

Mr. Siegel moved and Mr. Schaedlich seconded the motion to accept the recommendation of the Land Use and Zoning Committee text amendment to Section 28.05(A), Signs for Commercial Districts.

All voted "Aye."

Painesville Township – Text Amendment to Section 16.03(F)(2), 16.03(G)(3) and 32.11(B)

Mr. Radachy said that Painesville Township is adding language reducing the sideline setback for accessory buildings less than 200 square feet and under 12 feet in height in R-3. They are also adding a rear line setback of three feet for all accessory structures in R-3. They are also doing the same for FPUD.

Staff's concerns are that Section 32.11 is a maximum building height in FPUD and adding language for setback is not appropriate. The Township is also referencing accessory structure standards for R-1 in the FPUD. R-1 lots are bigger than FPUD lots; minimum width of 75 feet for R-1, 60 feet for FPUD. Referencing R-1 standards may create issues in the future.

Mr. Radachy said that staff recommends that language shown to be added to 32.11 should be added to 32.10, Supplemental Regulations, instead. They also suggest that the

Township determine appropriate standards for accessory structures in FPUD instead of referencing R-1 standards.

Mr. Siegel moved and Mr. Welch seconded the motion to accept the recommendation of the Land Use and Zoning Committee and staff to amend Section 16.03(F)(2), 16.03(G)(3) and 32.11(B).

All voted "Aye."

REPORTS OF SPECIAL COMMITTEES

Mr. Radachy said the Landscape Committee met prior to the Planning Commission meeting and began the discussion of writing a model zoning resolution. They will meet again prior to the next Planning Commission meeting.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

Subdivision Regulations Proposed

Mr. Boyd said that department heads were presented with proposed subdivision regulations. They will meet again to discuss the legal issues.

Perry Township: Canyon View Drive

Mr. Siegel presented a view of a recorded easement which drains Canyon View Drive between the sublots of the French's and the Cunningham's, who are the homeowners. All the water from the French's lot flows into the Cunningham's yard and goes everywhere. The cost to fix this is about \$20,000. The County Engineer said that they cannot do anything. They approved the house site and the easement that goes to no where. If they would have approved the drainage to go between the French's and subplot 53, water would have gone right into a ravine and there would be no problem. The easement should have been noticed when the French's brought their house plan in for a site plan review.

Mr. Siegel wanted to make the Planning Commission aware of the situation.

NEW BUSINESS

There was no new business.

PUBLIC COMMENT

Mr. Bill Alford and Ms. Lisa Alford from the audience said they were there because they wanted to hear about development along the Lake Erie shoreline and the Chagrin River.

Mr. Boyd said he would talk to them after the meeting.

ADJOURNMENT

Mr. Schaedlich moved and Ms. Hausch seconded the motion to adjourn.

The meeting adjourned at 8:20 p.m.

All voted "Aye".